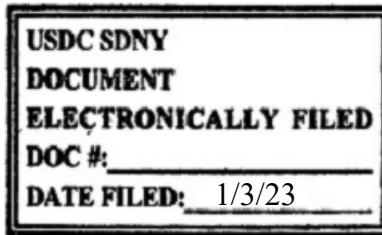




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December 28, 2022

VIA ECF

The Honorable Barbara Moses
United States District Court
Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street, Courtroom 20A
New York, New York 10007-1312

MEMO ENDORSED

Re: *Weihai Lianqiao International Coop Group Co. Ltd., v. A Base IX Co. LLC, et al.*
— Case No. 1:21-cv-10753-VM-BM

Dear Judge Moses:

We are attorneys for plaintiff Weihai Lianqiao International Coop Group Co. Ltd (“Plaintiff”) in the above-referenced action. I write to request a pre-motion conference to discuss Plaintiff’s anticipated motion to compel the production of documents requested in Plaintiff’s Second Set of Requests for Production of Documents to Defendants dated August 22, 2022 (“Plaintiff’s Second Document Demand”).

In Plaintiff’s Amended Complaint it is alleged that defendant David Apperman engaged in commingling of personal and corporate funds (See Amended Complaint Doc. No. 21, ¶¶ 200 - 201). Document Request No. 131 of Plaintiff’s Second Document Demand requests, “True and complete copies of any and all bank statements for any accounts maintained by David Apperman for the period 2019 to the present at any financial institution.” Defendants Response to Plaintiff’s Second Set of Requests for the Production of Documents dated September 21, 2022, included objections to Document Request No. 131 (See Exhibit A, defendants’ response to Document Request No. 131).

Defendants initially objected to Document Request No. 131, however, subsequently after conferral agreed to produce bank statements for the individual defendants. On November 2, 2022, Yvette Sutton, Esq., of Lazarus & Lazarus, P.C., attorneys for defendants, and I met and conferred in good faith to discuss, *inter alia*, defendants’ production of bank statements. That same day Ms. Sutton “agree[d] to product [sic] bank statements for the Individual Defendants to the extent such documents exist and are in the Defendants’ possession, custody or control.” (See



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Exhibit B, Ms. Sutton's e-mail dated November 2, 2022).

On November 3, 2022, defendants produced Chase Bank statements in the name of "Susanne R. Apperman or David Apperman" for account number ending in 6865 for the period of January 2019 through December 9, 2021 (A Base IX 002810-003013). On November 30, 2022, defendants produced Chase Bank statements in the name of "Susanne R. Apperman or David Apperman" for account number ending in 9357 for the period of August 27, 2019 through December 24, 2021 (A Base IX 003041-003166).

On December 7, 2022, Ms. Sutton and I again met and conferred via telephone regarding Plaintiff's outstanding request for copies of bank statements maintained by Mr. Apperman for 2022. Ms. Sutton represented that her firm would produce such statements after receiving them from Mr. Apperman. In e-mails dated December 16 and 22, 2022, Ms. Sutton represented that Mr. Apperman is in the process of gathering the bank statements.

Pursuant to Judge Marrero's Civil Case Management Plan and Scheduling Order the end of fact discovery is January 13, 2023. Defendants' counsel has been on notice that Plaintiff intends to continue the deposition of David Apperman after receiving all the relevant bank statements. Plaintiff requests a date certain before January 13th for production – a date that would allow my firm to review the bank statements before the deposition continues.

I respectfully request that Your Honor schedule a pre-motion conference to discuss. A Status Conference has been previously scheduled for January 6, 2023 at 12:30pm.

Respectfully,

A handwritten signature in blue ink, appearing to read 'Richard A. Coppola'.

Richard A. Coppola

cc: Harlan Lazarus, Esq. via ECF and e-mail

Yvette Sutton, Esq. via ECF and e-mail

The Court will hold a conference on the anticipated motion to compel on **January 25, 2023, at 11:00 a.m.** in Courtroom 20A, 500 Pearl Street, New York, New York. Defendants' responding letter is due today, **January 3, 2023**. See Moses Ind. Prac. § 2(e). SO ORDERED.

A handwritten signature in blue ink, appearing to read 'Barbara Moses'.

Barbara Moses
United States Magistrate Judge
January 3, 2023